

Appln. No. 09/586,964  
Amdt. dated May 13, 2004  
Reply to Office Action of February 25, 2004

If the Examiner has a contrary view, then it would be most helpful to be informed of the *current* statutory authority so that appropriate action can be expeditiously taken. *Please telephone the undersigned.*


Even if, *arguendo*, the Rosenplanter U.S. patent document was prior art, which it is not, the inventions claimed here are patentably different as seen from the prior traverse and declaration evidence of record. Furthermore, it is respectfully suggested that the specification provides additional objective evidence rebuttal evidence. For instance, Table 2 furnishes data for S/E of 60/40 and SE 80/20 and the range defined thereby that is recited in the claims. Other claims herein refer to S/E of 60/40 specifically. Still other claims refer to S/E of 80/20. All of these claims ought to be free from the rejection *even if* the Rosenplanter U.S. Patent is prior art. Accordingly, even if the Rosenplanter U.S. patent document was prior art, the evidence of record rebuts the Examiner's thesis. It is furthermore respectfully, but earnestly, suggested that the Examiner's comments that product-by-process language are mis-directed since the product produced in the cited reference by its process is not the same as the product herein.

Applicants respectfully solicit a Notice of Allowance.

This Amendment, and the cover sheet(s) thereto, were filed by facsimile with the U.S. Patent Office on May 17, 2004 to facsimile number 703-872-9306.

Respectfully submitted,

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